

**REMARKS/ARGUMENTS**

The Office Action of May 2, 2003 has been received and considered. In the Office Action, the claims were rejected under 35 U.S.C. §103(a).

Claim 21 has been amended. The remaining claims have not been amended. Claims 1-47 remain pending. Reconsideration of the application is requested.

A first aspect of the present invention relates to a method of (1) analyzing a calling plan associated with an address that originates a request for a communication connection and (2)) determining if this calling plan allows communication connection to be made at a later time for a lower cost. Another aspect of the present invention relates to a method of (1) analyzing a calling plan associated with a network address that initiated a telephone call, (2) comparing the calling plan to other calling plans and (3) informing the calling party of the calling plan that can complete the telephone call for the lowest cost.

Claims 1, 4-6, 11, 13, 16-18, 21, 24, 25, 27, 29, 32 and 33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al.

The patent to Manicone discloses a telephone monitoring system that determines information about telephone calls made including the duration of each call and the cost of each call. The monitoring system also allows an administrator to set controls governing the duration and/or cost of each call made. As discussed in the Office Action, the patent to Manicone does not disclose a method of analyzing a calling plan. Additionally, the patent to Manicone does not disclose analyzing a calling plan to determine if a call can be completed for a lower cost at a later time using the caller's calling plan. Similarly, the patent to Manicone does not disclose

analyzing a calling plan and determining if the call can be completed at the time of dialing for a lower cost using a different calling plan.

The patent to Lautenschlager discloses a method of informing a caller about the charges that will be incurred for a desired connection in response to a call request. The patent to Lautenschlager also discloses a method of informing a caller when an alternative connection path for a call is feasible and providing a caller with the tariff data for the alternative connection path so that the caller can choose the connection path for the placed call. The patent to Lautenschlager does not disclose or contemplate calling plans, retrieving information about calling plans or analyzing calling plan information. Accordingly, the patent to Lautenschlager cannot disclose or suggest retrieving information about a calling plan, making determinations about the calling plan and informing a caller, if applicable, (1) that her calling plan will charge less for the call if she makes it at a later time or (2) that if she uses a different calling plan, the cost of the call will be less.

Contrary to the position taken in the Office Action, the applicants are not merely claiming a method of least cost routing. Instead, the applicants are claiming methods that analyze information specific to a calling plan of the caller or the originating address of the call. This analyzed information is then used to inform the caller, if applicable, that the call can be completed at another time or using a different calling plan for less money.

Claim 1

The method recited in claim 1 includes steps of (1) retrieving calling plan information for the originating address; (2) determining a minimum cost period for completing the

communications based on the calling plan information for the address; and (3) transmitting a notification message to the calling party notifying the party of the minimum cost period for placing the call. Neither of the applied publications, either alone or in combination, discloses analyzing calling plan information and informing a caller of the period when the call can be completed for the minimum cost. As a result, the modification suggested in the Office Action would not have been obvious to one of ordinary skill in the art because the resulting combination does not arrive at the method recited in claims 1-12. Withdrawal of the rejection is requested.

Claim 13

The method of claim 13 includes the steps of (1) receiving billing rate data for a network address; (2) determining the period when the call can be made for the minimum cost; and (3) notifying the calling party of the minimum cost period. Neither of the applied publications discloses, either alone or in combination, discloses the method steps discussed above including the steps of determining a period when the call can be made for the minimum cost and notifying the calling party of this minimum cost time. Hence, the combination set forth in the Office Action would not have been obvious to one of ordinary skill in the art because the resulting combination does not arrive at the method recited in claims 13-20. Withdrawal of the rejection is requested.

Claim 29

The method of claim 29 recites steps of (1) receiving calling plan information for an originating network address; (2) comparing the calling plan information for the network address

to a plurality of calling plans in the telecommunications network so as to select a least-cost calling plan; and (3) sending a message to the calling party of the selected least-cost calling plan. Neither of the applied references teaches analyzing the current calling plan for a network address and comparing the analyzed calling plan to other calling plans. Additionally, neither of the publications teaches the step of sending a message to the calling party about the selected lowest cost calling plan. Therefore, since neither of the applied publications, alone or in combination, teaches the recited method, the combination suggested in the Office Action would not have been obvious to one of ordinary skill in the art because the resulting combination does not arrive at the method recited in claims 29-33. Withdrawal of the rejection is requested.

Claims 2, 3, 7, 10, 14, 15, 19, 22, 23, 26, 30, 31 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 6,301,471 to Dahm.

The patent to Dahm discloses a churn reduction and loyalty system for mobile communication devices. This system identifies subscribers who are considered likely candidates for churning. This system disclosed in the patent to Dahm also forwards offers to these identified candidates concerning other calling plans that may better meet the needs of the candidate based on the candidate's past cumulative use of her communication device. The system of Dahm does not analyze a current call that is attempting to be connected. Instead, it merely reviews the calling history of a candidate and then informs the candidate of a calling plan that may better serve her overall needs based on her calling history.

The patent to Dahm does not discuss or contemplate a method of evaluating a calling plan associated with a network address or user, determining when the calling plan can be completed for the lowest cost and informing the caller if the call can be completed at a lower cost at a later time. Similarly, the patent to Dahm does not disclose a method that includes the steps of considering the information of a calling plan associated with a network address or user, comparing it to other calling plans and then informing the caller that the current call can be completed at a lower cost using a different calling plan. Therefore, since the patent to Dahm does not disclose what the patents to Manicone and Lautenschlager fail to teach, the asserted combination would not have been obvious to one of ordinary skill in the art because the resulting combination would not arrive at the methods recited in the pending claims. Withdrawal of the rejections is requested.

Claims 8 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 5,579,417 to Byers. The patent to Byers discloses a telecommunications network including a plurality of local exchanges or switching systems, each local switch supporting at least one customer line accessed by customer premise equipment. The network can be used to provide information regarding the routing of a call. The patent to Byers is relied upon to disclose the step of using a numeric code before dialing to allow the subscriber to disable the service and select a desired service.

However, like the patents to Manicone and Lautenschlager, the patent to Byers does not discuss or contemplate a method of evaluating a calling plan, determining when the calling plan can be completed for the lowest cost, and informing the caller if the call can be completed at a

lower cost at a different time based on the evaluated calling plan. Similarly, the patent to Byers does not disclose a method that includes the steps of considering the information of an evaluated calling plan, comparing it to other calling plans and then informing the caller that the current call can be completed at a lower cost using a different calling plan. Therefore, since the patent to Byers does not disclose what the patents to Manicone and Lautenschlager fail to teach, the asserted combination would not have been obvious to one of ordinary skill in the art because the resulting combination would not arrive at the methods recited in the pending claims. Withdrawal of the rejections is requested.

Claims 9, 5, 37 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 6,330,311 to Mijares. The patent to Mijares discloses a routing system for telecommunication units. The system is intended to route telephone communications to low cost carriers or preferred carriers. It appears that the Office Action relies on the disclosure of Mijares to teach the use of an update timer so that current carrier rate data will be accurately reflected within a system.

However, the patent to Mijares does not discuss or contemplate a method of evaluating a calling plan associated with a caller or a network address, determining when the calling plan can be completed for the lowest cost and informing a caller if the call being placed can be completed at a lower cost at a later time. Similarly, the patent to Mijares does not disclose a method that includes the steps of considering the information of an evaluated calling plan, comparing it to other calling plans and then informing the caller that the current call can be completed at a lower cost using a different calling plan. Therefore, since the patent to Mijares does not disclose what

the patents to Manicone and Lautenschlager fail to teach, the asserted combination would not have been obvious to one of ordinary skill in the art because the resulting combination does not arrive at the methods recited in the pending claims. Withdrawal of the rejections is requested.

Claim 36 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 6,301,471 to Dahm and U.S. Patent No. 6,330,311 to Mijares. As discussed above, neither the patent to Dahm nor the patent to Mijares disclose what the patents to Manicone and Lautenschlager fail to teach. Therefore, the combination would not have been obvious because it fails to arrive at the method recited in claim 36. Withdrawal of the rejection is requested.

Claims 39-47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 6,330,311 to Mijares and U.S. Patent No. 5,408,526 to McFarland. The patents to Manicone, Lautenschlager and Mijares disclose the above-discussed methods. The patent to McFarland discloses a method of identifying information about a conference call to be placed. This information includes the location of the parties to the call, the start and stop times of the call, and the bandwidth requirements for the call. The method also includes comparing this information to information in a database to identify available network paths/routes for the conference, to select the most cost effective means for initiating the conference, and to send information, such as an announcement, to the parties involved in the conference, indicative of the route/path selection. The patent to McFarland is relied upon to

teach the steps of determining the bandwidth and quality of service needed for a given telephone call.

The patent to McFarland does not disclose a method of analyzing calling plan information for a given call, determining a minimum cost period for placing the call and notifying the caller of the minimum cost time period for placing the call as recited in claim 39. Similarly, the patent to McFarland fails to disclose a method of retrieving calling plan information for a network address, comparing the calling plan information to other calling plans and notifying the caller of the selected least-cost calling plan. Hence, the combination suggested in the Office Action would not have been obvious to one of ordinary skill in the art because the patent to McFarland does not disclose what the patents to Manicone and Lautenschlager fail to teach. Accordingly, the combination suggested in the Office Action does not arrive at the method recited in claims 39-47. Withdrawal of the rejection is requested.

Claims 12 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,748,718 to Manicone in view of U.S. Patent No. 6,104,792 to Lautenschlager et al., further in view of U.S. Patent No. 5,473,630 to Penzias. The patent to Penzias does not discuss or contemplate a method of evaluating a caller's calling plan, determining when the calling plan can be completed for the lowest cost and informing the caller if the call can be completed at a lower cost at a later time. Similarly, the patent to Penzias does not disclose a method that includes the steps of considering the information of a calling plan associated with a caller or a network address, comparing the information to similar information for other calling plans and then informing the caller that the current call can be completed at a minimum cost using either her own calling plan or a different calling plan. Therefore, since the patent to



Appln. No.: 10/086,205  
Amendment dated February 5, 2004  
Reply to Office Action of May 2, 2003

Penzias does not disclose what the patents to Manicone and Lautenschlager fail to teach, the asserted combination would not have been obvious to one of ordinary skill in the art because the resulting combination would not arrive at the methods recited in the pending claims. Withdrawal of the rejections is requested.

For all of the above-discussed reasons, Applicants respectfully submit that claims 1-47 are allowable and that the application is now in condition for allowance. A notice to this effect is earnestly solicited.

If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference with Applicant's attorney, the Examiner is invited to contact Applicant's attorney at the number noted below.

If any fees are required with this submission, including any extensions of time, the Commissioner is authorized to charge such fees to deposit account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 5, 2004

By:



Brian E. Hanlon

Registration No. 40,449

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001